IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 30888 of 2006(B)

PETITIONER:

J.VARGHESE, S/O.JOSEPH, AGED 54 YEARS,
ATTENDANT, VETERINARY DISPENSARY, ALAMUK,
POOVACHAL P.O., NEDUMANGAD TALUK, TRIVANDRUM.

BY ADV. SRI.T.V.GEORGE

RESPONDENTS:

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1. STATE OF KERALA, REP.BY THE SECRETARY
TO ANIMAL HUSBANDARY DEPARTMENT, TRIVANDRUM.

2. DIRECTOR OF ANIMAL HUSBANDARY DEPARTMENT
ANIMAL HUSBANDARY DIRECTORATE, VIKAS BHAVAN,
TRIVANDRUM.

3. DISTRICT ANIMAL HUSBANDARY OFFICER,
THAMPANNOOR, TRIVANDRUM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30888 OF 2006

Dated this the 28th November, 2006.

JUDGMENT

The challenge is to Ext.P3 transfer order passed by the third respondent on 6.11.2006. The petitioner is an Attendant in the Veterinary Dispensary. As on the date of Ext.P3 he was working as Attendant in Alamuk Veterinary Dispensary. The new station to which he has been transferred as per Ext.P3 is Veterinary Dispensary, Kallikkad. It is seen from Ext.P3 that he was initially transferred to Veterinary Dispensary, Sarkara. It is contended that Ext.P3 is violative of the guidelines issued by the Government laying down norms for transfers and postings.

2. Govt. Pleader on instruction submits that Ext.P3 was passed thinking that a posting to the petitioner at Kallikkad instead of at Sarkara will be convenient to him.

3. As it was stated by the counsel for the petitioner that the vacancy at Alamuk had not been filled up, an interim order was passed on 24.11.2006 directing the third respondent not to fill up the vacancy at Alamuk. Govt. Pleader, on instructions, submits that the vacancy had already been filled up and therefore the direction issued on 24.11.2006 could not be complied with.

4. The above being the factual position, there is no scope for interference with Ext.P3 order. Having regard to the fact that the petitioner belongs to the lowest rung of the service and he is due to retire within a short period and the further fact that he is suffering from certain ailments, the respondents shall consider the case of the petitioner for a compassionate posting when the next batch of transfers and postings are ordered. No doubt, the request, if any, by other employees shall also be heard subject to exigencies of service. If the petitioner so feels, he will be free to submit appropriate representation in that behalf. With the above observation, the writ petition is disposed of.

K.K.DENESAN
Judge

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